

February 8, 2012

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation, CG Docket No. 02-278

Dear Ms. Dortch:

On February 7, 2012, Krista Witanowski of CTIA – The Wireless Association® (“CTIA”) had a telephone conversation with Jessica Almond, Special Counsel to Chairman Julius Genachowski. In addition, on February 8, 2012, Krista Witanowski had a telephone conversation with Angela Kronenberg, Wireline Legal Advisor to Commissioner Mignon Clyburn; and left a voicemail for Christine Kurth, Policy Director and Wireline Counsel to Commissioner Robert McDowell regarding the Robocalls Report and Order that the Commission will consider at next week’s February 15, 2012 open meeting.

In all three calls, CTIA urged that the FCC’s upcoming “Robocalls” Report and Order affirm the Commission’s prior conclusion that wireless providers need not obtain additional consent from subscribers prior to initiating autodialed calls at no cost to customers. Consistent with previous advocacy, CTIA noted that such calls could include billing alerts and usage notifications, pursuant to CTIA’s recent announcement of wireless providers’ voluntary commitment to help consumers avoid unexpected overage charges.¹ CTIA also echoed its January 25, 2012 letter to the Chairman and Commissioners noting that wireless carriers have experienced a significant increase in consumer complaints and inquiries made to their customer call centers regarding unwanted text messages sent by political campaigns.² CTIA urged the Commission to

¹ See Reply Comments of CTIA – The Wireless Association®, CG Docket No. 02-278 (June 21, 2010), available at http://files.ctia.org/pdf/filings/100621_-_FILED_CTIA_TCPA_NPRM_Reply_Comments.pdf.

² See Letter from Steve Largent, President & CEO, CTIA – The Wireless Association®, to FCC Chairman Genachowski and Commissioners Clyburn and McDowell, CG Docket No. 02-278 (Jan. 25, 2012), available at http://files.ctia.org/pdf/TCPA_Letter_to_FCC.pdf.

re-affirm its prior conclusion that *any* autodialed text message sent to a wireless device violates the Telephone Consumer Protection Act (“TCPA”).³

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS with your office. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ *Krista L. Witanowski*

Krista L. Witanowski
Assistant Vice President – Regulatory Affairs
CTIA-The Wireless Association®

cc: Jessica Almond
Angela Kronenberg
Christine Kurth

³ 47 U.S.C. 227. Although political messages are exempted from the prohibitions applicable to “telephone solicitations,” Section 227(b)(1)(A)(iii) of the TCPA makes it unlawful for *any* person to make *any* call from an automatic telephone dialing system to *any* telephone number assigned to a CMRS customer. Moreover, the Commission explicitly has stated that the TCPA applies with equal measure to “both voice calls and text calls to wireless numbers including, for example, short message service (SMS) calls.” *See* In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order, 18 F.C.C.R. 14014, 14115 (July 3, 2003).